



NY/NJ

# BAYKEEPER®

Raritan Bay • Upper New York Bay • Lower New York Bay • Jamaica Bay • Newark Bay  
Sandy Hook Bay • Gravesend Bay • Sheepshead Bay

52 West Front Street • Keyport, New Jersey 07735 • Tel (732) 888-9870 • Fax (732) 888-9873  
www.nynjbaykeeper.org • email mail@nynjbaykeeper.org

224454

January 20, 2009

Secretary  
Surface Transportation Board  
Washington, DC 20423

Victoria Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

JAN 30 2009

Part of  
Public Record

Re:  
**Consolidated Rail Corporation –  
Abandonment Exemption –  
In Hudson County, NJ**

**AB 167 (Sub-no. 1189X)**

**CSX Transportation, Inc.  
Discontinuance Exemption –  
In Hudson County, NJ**

**AB 55 (Sub-no. 686X)**

**Norfolk Southern Railway Co. -  
Discontinuance Exemption -  
In Hudson County, NJ**

**AB 290 (Sub-no. 306X)**

## **Reply and Request for Consulting Party Status**

On January 6, 2009, Conrail et al. (Conrail) filed a Notice of Exemption in the cases referenced above. Conrail filed also "Comments" and "Motion to

Stay Effective Date of Verified Notices of Exemption and to Waive Pre-Filing

Notification Requirements." *New York New Jersey Baykeeper* opposes class exemption



A Subsidiary of  
The American Littoral Society



Member of the  
Waterkeeper Alliance


procedures here given the magnitude of the project, its tremendous impact on public access and land use in a densely populated area, the questionable nature of the objections and the project's high public profile. An abandonment authorization within the schedule Conrail et al. suggest cannot be done in compliance with the National Historic Preservation Act (NHPA) sections 106 and 110 (k), 16 U.S. C. 470 f and 470 h-2(k) or the National Environmental Policy Act (NEPA) section 102, 42 U.S C. 4332. Indeed, we believe that abandonment authorization is barred by NHPA Section 110 (k), because Conrail and its developer partner have engaged in anticipatory demolition of rail assets. We call for a full Environmental Impact Statement (EIS) to address the many issues raised by this potential abandonment.

- Our organization further requests consulting party status in an NHPA Section 106 review.
- NY/NJ Baykeeper is a private non-profit conservation organization that serves the communities of the Hudson-Raritan Estuary, including Jersey City, NJ. Our organization has a long and successful history of advocating, forwarding legislative initiatives and taking legal actions to ensure public access to local waterways, an equitable amount of public open space to urban communities, and a healthy environment. Baykeeper has assisted with the protection of the Harsimus Stem Embankment based on the significant historic preservation, natural conservation and public access amenities that it provides. We have acquired land in partnership with Hudson County to expand its park system, serve on the advisory Board of Liberty State Park in Jersey City (where we have worked on public access and historic preservation projects for nearly 20 years), and also on the Board of the Meadowlands Conservation Trust where we have also partnered to acquire natural lands for public access to the Hackensack River and promoted mass transportation

initiatives like the "Access to the Regions Core."

***Certificate of Service***

***I hereby certify that on [date], I caused a copy of this correspondence to be served  
by first class mail on those appearing on the attached Service List.***



***Gregory A. Remaud, Deputy Director, NY/NJ Baykeeper***

**SERVICE LIST**

**Charles H. Montagne (By Overnight Mail)  
426 NW 162<sup>nd</sup> Street  
Seattle, Washington 98177**

**Stephen D. Marks, Director  
Hudson County Planning Division  
Justice Brennan Court House  
583 Newark Avenue  
Jersey City, NJ 07306**

**Marco Mauriello  
Bradley M. Campbell, Commissioner  
State Historic Preservation Office  
NJ Department of Environmental Protection  
401 East State Street  
P.O. Box 404  
Trenton, NJ 08625-0404**

**Mayor Jeremiah T. Healy  
City Hall  
280 Grove Street  
Jersey City, NJ 07302**

**Michael D. Selender  
Vice President  
Jersey City Landmarks Conservancy  
P.O. Box 68  
Jersey City, NJ 07303-0068**

**Ron Emrich  
Executive Director  
Preservation New Jersey  
30 S. Warren Street  
Trenton, NJ 08608**

**Valerio Luccio  
Civic JC  
P.O. Box 248  
Jersey City, NJ 07303-0248**

**Eric Fleming  
President  
Harrimus Cove Association  
P.O. Box 101  
Jersey City, NJ 07302**

**Jennifer Greely**  
President  
Hamilton Park Neighborhood Association  
22 West Hamilton Place  
Jersey City, NJ 07302

**Jill Edelman**  
President  
Powerhouse Arts District Neighborhood Assoc.  
140 Bay Street, Unit 6J  
Jersey City, NJ 07302

**Robert Crow**  
President  
The Village Neighborhood Association  
365 Second Street  
Jersey City, NJ 07302

**Dan Webber**  
Vice-President  
Van Vorst Park Association  
289 Varck Street  
Jersey City, NJ 07302

**Gretchen Scheiman**  
President  
Historic Paulus Hook Association  
121 Grand Street  
Jersey City, NJ 07302

**Robert Vivian**  
President  
Newport Neighborhood Association  
40 Newport Parkway #604  
Jersey City, NJ 07310

**Dolores P. Newman**  
NJ Committee for the East Coast Greenway  
P O Box 10505  
New Brunswick, NJ 08906

**Gregory A. Renaud**  
Conservation Director  
NY/NJ Baykeeper  
52 West Front Street  
Keyport, NJ 07735

**Sam Pezin**  
President  
Friends of Liberty State Park  
75-135 Liberty Avenue  
Jersey City, NJ 07306

**Daniel D. Saunders**  
Deputy State Historic Preservation Officer  
State Historic Preservation Office  
NJ Department of Environmental Protection  
P O Box 404  
Trenton, NJ 08625-0404

**Fritz Kahn  
1920 N Street, NW  
8<sup>th</sup> Floor  
Washington, DC 20036-1601**

**Daniel H. Frohwrth  
Jersey City Landmarks Conservancy  
30 Montgomery Street  
Suite 820  
Jersey City, NJ 07302**

**Maureen Crowley, Coordinator  
Embankment Preservation Coalition  
263 Fifth St  
Jersey City, NJ 07302**

**Robert M. Jenkins  
Mayer Brown LLP  
1909 L Street NW  
Washington, DC 20006**